THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1989 OF 2005

Dated: 16-12-2005

Between

Y. Narsimhulu Shetty, S/o. Subbaramaiah Shetty, R/o. H.No.3-155, Rajampet Village & Mandal, Rajampet, Kadapa District.

...PETITIONER

AND

The Rajampet Co-operative Urban Bank rep. by its Liquidator, Rajampet, Kadapa District.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent-bank in not returning the fixed deposit amount as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner has deposited an amount of Rs.3,83,774/- with the respondent-bank in total 13 FDRs with different denominations in the year 1998 and 1999 with a maturity period of 13 months. After the maturity period, the said FDRs have not been returned. Therefore, the petitioner filed a consumer dispute before the District Consumer Forum, Kadapa for deficiency of service on the part of the respondent-bank in return of the fixed deposit amounts on surrender of fixed deposit receipts.

The respondent-bank acknowledged the receipt of the fixed deposit receipts on 20.02.2004 but repaid a sum of Rs.1,00,000/- only as against the sum of Rs.5,44,910/-. Accordingly, the petitioner made a representation dated 08.10.2004 before the respondent-bank for the payment of balance amount but the respondent-bank has not considered the same.

Having regard to the facts and circumstances of the case and

as the respondent-bank is in liquidation, the writ petition is disposed of directing the respondent-bank to consider and dispose of the representation of the petitioner dated 08.10.2004 as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

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V. ESWARAIAH, J

December 16, 2005

DSK